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TELEGRAM

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STATE 198505

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DRAFTED BY L/EAP:RRATNER  
APPROVED BY EAP:R WILLIAMS  
EAP/CM:JBAUER  
L/M/DL:DJONES  
L/EAP:JSELBY

-- ARTICLE 29 OF THE VIENNA CONVENTION PROVIDES THAT  
THE HOST STATE TREAT DIPLOMATIC AGENTS WITH RESPECT AND  
PREVENT ATTACKS ON HIS PERSON, FREEDOM, OR DIGNITY.

-- ARTICLE 30 OF THE VIENNA CONVENTION REQUIRES THE  
HOST STATE TO PROTECT THE PRIVATE RESIDENCES OF  
DIPLOMATS TO THE SAME EXTENT AS IT PROTECTS THE  
DIPLOMATIC MISSION, THAT IS, AGAINST ANY INTRUSION OR  
DAMAGE.

-- CHINESE ACTIONS IN RECENT WEEKS CONSTITUTE A SERIOUS  
VIOLATION OF THESE INTERNATIONAL OBLIGATIONS.

EMBASSY MAY ALSO WISH TO POINT OUT THE LENGTHS TO WHICH  
THE U.S. HAS GONE TO PROTECT THE PREMISES OF CHINESE  
DIPLOMATIC AND CONSULAR BUILDINGS IN THE UNITED  
STATES.

3. EMBASSY'S ASSISTANCE IS APPRECIATED. BAKER

FILE

0 221754Z JUN 85  
FM SECSTATE WASHDC  
TO AMEMBASSY BEIJING IMMEDIATE IMMEDIATE  
INFO AMCONSUL SHANGHAI IMMEDIATE  
AMCONSUL GUANGZHOU IMMEDIATE  
AMCONSUL SHENYANG IMMEDIATE

CONFIDENTIAL STATE 198505

BEIJING PASS CRENGDU

CORRECTED COPY (PARA 2 LINE 3 OMITTED)

E.O. 12356: DECL: OADR  
TAGS: PREL, OOIP, CR, US  
SUBJECT: PRC SEARCH OF EMBASSY VEHICLES AND FIRING ON  
APARTMENTS

REFS: (A) BEIJING 16444; (B) BEIJING 16832

1. DEPARTMENT OF COURSE SHARES EMBASSY'S SERIOUS  
CONCERNS OVER PRC SEARCH OF EMBASSY VEHICLES (INCLUDING  
POINTING OF ARMS AT OCCUPANTS) IN RECENT WEEKS AND  
FIRING ON DIPLOMATIC COMPOUND. WE BELIEVE EMBASSY  
SHOULD PRESS PRC OFFICIALS HARD ON THESE MATTERS, AS  
THE INVIOABILITY OF EMBASSY VEHICLES AND THE DUTY TO  
PROTECT DIPLOMATIC RESIDENCES ARE FUNDAMENTAL, WELL  
ACCEPTED PRINCIPLES OF INTERNATIONAL LAW AND DIPLOMATIC  
RELATIONS. THE CHINESE SHOULD BE MADE AWARE THAT,  
GIVEN THE PRESENT ATTITUDES AND CIRCUMSTANCES, THERE IS  
A GRAVE RISK THAT THE FURTHER VIOLATION AND EROSION OF  
THESE PROTECTIONS COULD LEAD TO SERIOUS INJURY OR OTHER  
FLAGRANT ACTION OF SUCH CHARACTER AS TO RESULT IN  
SERIOUS DAMAGE TO OUR RELATIONS.

2. IN FUTURE ORAL DEMARCHES OR DIPNOTES, EMBASSY  
SHOULD MAKE THE FOLLOWING POINTS:  
-- INVIOABILITY IS ONE OF THE FUNDAMENTAL PRINCIPLES  
OF DIPLOMATIC INTERCOURSE. IT IS NOT A QUESTION OF  
PROTOCOL OR PRIVILEGE, BUT A RIGHT TO WHICH ALL  
DIPLOMATIC MISSIONS ARE ENTITLED. THIS PRINCIPLE IS  
FUNDAMENTAL TO THE ABILITY TO CONDUCT DIPLOMATIC  
RELATIONS.

-- THE INVIOABILITY OF OFFICIAL EMBASSY VEHICLES IS  
CODIFIED IN ARTICLE 22 OF THE VIENNA CONVENTION ON  
DIPLOMATIC RELATIONS; THE INVIOABILITY OF VEHICLES OF  
DIPLOMATIC AGENTS IS CODIFIED IN ARTICLE 30 OF THE  
CONVENTION, AND EXTENDED TO VEHICLES OF ADMINISTRATIVE  
AND TECHNICAL STAFF IN ARTICLE 37 (2). CHINA AND THE  
U.S. ARE BOTH PARTIES TO THE CONVENTION.

-- INVIOABILITY IS NOT DEFINED IN DEGREES. OUR  
VEHICLES ARE AS INVIOABLE FROM UNAUTHORIZED SEARCH AS ARE  
THE MISSION AND THE RESIDENCES.

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